THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.149 OF 2007

ORAL ORDER:

The petitioner was granted a licence in Form-A4 for sale of Indian Made Foreign Liquor and Foreign Liquor by shop in the premises bearing Mulgi No.4 situated in the premises No.9-1-88, 24 Sarojini Devi Road, Secunderabad for the period from 1-7-2006 to 30-6-2008. While so, the 2nd respondent vide proceedings dated 24-10-2006 directed the petitioner to shift his shop from the above said premises within a month from the date of notice to an alternative suitable premises in conformity with Rule 27 (1) of the Andhra Pradesh Excise (Lease of Right of Selling by Shop and Conditions of Licence) Rules, 2005 (for short the Rules). Accordingly, the petitioner was called upon to submit a proposal within one month for shifting of his licensed premises, failing which the licence would be cancelled as per the directions of the Division Bench of this Court in W.P.No.13042 of 2006 and batch dated 28-8-2006. The petitioner states that since no alternative premises could be secured within the time granted, a representation dated 8-11-2006 was made requesting the 2nd respondent to grant extension of time by 3 months for shifting the licensed premises from Door No.9-1-88, 24 Sarojini Devi Road. The said request of the petitioner was rejected by the 2nd respondent by proceedings dated 16-11-2006. Hence, this writ petition seeking a Mandamus declaring the action of the 2nd respondent in refusing to grant extension of time for shifting the licensed premises from Door No.9-1-88, 24 Sarojini Devi Road, Secunderabad to an alternative premises in conformity with Rule 27 (1) of the Rules is arbitrary and illegal.

It is to be noted that the validity of the amendment to Rule 27 (1) of the Rules was considered by a Division Bench of this Court in W.P.No.13042 of 2006 and batch. The Division Bench by order

dated 28-8-2006 dismissed the entire batch, however allowed one month time for shifting the shops from the present locations and bring them in conformity with amended Rule 27 (1) of the Rules. The petitioner does not dispute the fact that the 2nd respondent issued the proceedings dated 24-10-2006 in compliance with the order of the Division Bench in W.P.No.13042 of 2006 and batch. Since one month time granted by the Division Bench had expired long back, the 2nd respondent had rightly rejected the extension of 3 months time sought by the petitioner. Hence, the impugned order does not suffer from any infirmity.

It is also relevant to note that the Special Leave Petitions preferred by the licence-holders against the order of the Division Bench in W.P.No.13042 of 2006 and batch were dismissed by the Supreme Court.

Hence, the petitioner cannot claim any right to continue his business in the premises bearing No.9-1-88, 24 Sarojini Devi Road, Secunderabad any longer and the Mandamus as prayed for cannot be issued.

Accordingly, the Writ petition is dismissed. No costs.

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(G. ROHINI).

3rd January, 2007.

Issue CC in two days.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.149 OF 2007

3rd January, 2007.

Between:

V. Penta Reddy. .. Petitioner.

And

The Commissioner of Prohibition and Excise,
Nampally, Hyderabad and another. .. Respondents.